



**AGENDA ITEM:**

**LICENSING SUB-COMMITTEE**

**Date: 23 August 2024**

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**Report of: Assistant Director of Planning and Regulatory Services**

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**SUBJECT: APPLICATION FOR THE NEW PREMISES LICENCE IN RESPECT OF  
EDGE HILL STUDENTS UNION LIMITED, EDGE HILL UNIVERSITY, ST HELENS  
ROAD, ORMSKIRK**

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Borough wide interest

**1.0 PURPOSE OF REPORT**

1.1 To consider an application under the Licensing Act 2003 (the Act) for a new premise licence application in respect of Edge Hill Students Union Limited, Edge Hill University, St Helens Road, Ormskirk L39 4QP

**2.0 RECOMMENDATIONS**

2.1 The Sub-Committee's instructions are requested.

**3.0 PREMISES INFORMATION**

3.1 Address of Premises: Edge Hill Students Union Building  
Edge Hill University  
St Helens Road  
Ormskirk  
L39 4QP

3.2 Premises Licence Holder: Edge Hill Students Union Limited  
Edge Hill University  
St Helens Road  
Ormskirk  
L39 4QP

**4.0 THE APPLICATION**

4.1 On 18 June 2024 an application for a new premises licence was received, a copy of which is attached as Appendix 1 to this report.

## **5.0 PREVIOUS HISTORY**

- 5.1 This premises was issued with a Premises Licence in 2003 and has operated under that Licence until recently when the building was demolished and rebuilt with additional outside space, a copy of that Premises Licence and a plan of the proposed area are attached to this report as Appendix 2 and Appendix 3

## **6.0 RESPONSIBLE AUTHORITY REPRESENTATION**

### **Lancashire Constabulary**

There was no representation received against this application by Lancashire Constabulary.

### **Environmental Protection**

There was no representation received against this application by Environmental Protection as the application agreed to a Noise and Public Nuisance Policy. Agreement was made and a copy of this policy is attached as Appendix 4 to this report.

## **7.0 PUBLIC REPRESENTATION**

- 7.1 A representation has been received from a member of the public against this application and is attached as Appendix 5 to this report. The representation raised concerns regarding noise and public order issues. The representation is made under the Prevention of Public Nuisance and Crime & Disorder objectives.
- 7.2 The public objector has advised that he has requested the local ward councillor, Cllr Adrian Owens, to represent him and his concerns against this application.

## **8.0 LICENSING POLICY AND LEGAL CONSIDERATIONS**

- 8.1 The Local Authority must have regard to the provisions of the Licensing Act 2003. In addition, Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under Section 182 of the Act.
- 8.2 As Members will be aware, the four licensing objectives are as follows:
- The Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - The Protection of Children from Harm
- 8.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.
- 8.4 The Licensing Authority in determining the application, having had regard to the application and any representations, may take the following steps if it considers it necessary for the promotion of the licensing objective:

- (i) Modify/Add conditions in respect of the Variation Application.
- (ii) Refuse a licensable activity from the Variation Application.

8.5 In deciding which of the powers to use it is expected that the Licensing Authority should, as far as possible, seek to establish the causes of the concerns that the representations identify. Any action the Committee may wish to take should generally be directed at these causes and should always be no more than an appropriate response in the cause of promoting the licensing objectives.

8.6 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 4	The Prevention of Crime & Disorder	pages 10-12
Section 4	Public Safety	pages 12-14
Section 4	Prevention of Public Nuisance	pages 14-17
Section 4	The Protection of Children from harm	pages 17-19
Section 8	Consideration of Premises Licences & Club Premises Certificates	pages 28-32

## 9.0 HUMAN RIGHTS ACT IMPLICATIONS

9.1 The Human Rights Act 1988 makes it unlawful for a Local Authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention rights;

### **Article 6**

that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;

### **Article 8**

that everyone has the right to respect for his home and family life;

### **Article 1 of the First Protocol**

that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

## 10.0 SUSTAINABILITY IMPLICATIONS

10.1 The Sub-Committee decision has the potential to impact upon the local community affected by the operation of the business. However, the Council's Licensing Policy (required under the Licensing Act 2003), which underpins the Committee's decision, impacts upon many areas within the Community.

## 11.0 FINANCIAL AND RESOURCE IMPLICATIONS

11.1 No additional financial or other resources are required.

## **12.0 RISK ASSESSMENT**

12.1 The Council has a legal duty to administer the Licensing Act 2003 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

## **13.0 HEALTH AND WELLBEING IMPLICATIONS**

13.1 There are no health and wellbeing implications arising from this report.

### **Background Documents**

There are no background documents (as defined in Section 100 D (5) of the Local Government Act 1972) have been relied on to a material extent in the preparation of this report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **Appendices**

Premises licence application	(Appendix 1)
Plan	(Appendix 2)
Previous Licence at the premises	(Appendix 3)
Noise & Public Protection Policy	(Appendix 4)
Public Representations	(Appendix 5)